

Message Text

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ACTION ARA-20

INFO OCT-01 ADP-00 CIAE-00 DODE-00 PM-07 H-03 INR-10 L-03

NSAE-00 NSC-10 PA-03 RSC-01 PRS-01 SS-15 USIA-15

NIC-01 OMB-01 AID-20 PC-04 CU-04 COME-00 EB-11 LAB-06

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E.O. 11652: N/A

TAGS: ELAB, UY

SUBJECT: NEW LABOR LAW DECREED

CINCSO FOR POLAD

REF: MONTEVIDEO 2245, MONTEVIDEO 2259

1. PRESIDENT BORADBERRY, IN COUNCIL OF MINISTERS, ISSUED LONG-EXPECTED LABOR DECREE ON AUGUST 1. LEGISLATION WAS ISSUED IN FORM OF DECREE WHICH IS TO BE SUBMITTED TO THE COUNCIL OF STATE ONCE THE COUNCIL IS CREATED. LABOR MINISTER ANNOUNCED THAT ALTHOUGH THE DECREE IS EFFECTIVE IMMEDIATELY, CRIMINAL PROVISIONS WILL NOT BE APPLIED UNTIL DECREE HAS BEEN APPROVED BY THE COUNCIL OF STATE. FOREIGN MINISTER TOLD EMBOFFS YESTERDAY THAT IT LIKELY THAT COUNCIL MIGHT MAKE SOME CHANGES IN THE DECREE BUT THAT THRUST OF THE LEGISLATION WOULD NOT BE CHANGED.

2. DECREE PERMITS BOTH LATERAL AND VERTICAL TRADE UNIONS IN WHICH MEMBERSHIP WILL BE OPEN TO ALL WORKERS ON REQUEST. POLITICS AND RELIGION ARE PROHIBITED AS BASIS FOR ANY UNION ACTIVITIES AND LABOR ORGANIZATIONS PROHIBITED FROM CONDUCTING

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ANY BUSINESSES OTHER THAN COOPERATIVES. UNION AND CLOSED SHOPS

ARE OUTLAWED. STRIKES IN THE FUTURE CAN ONLY BE CALLED ON WORK OR SALARY-RELATED ISSUES AND ONLY FOLLOWING STIPULATED PROCEDURES WHICH INCLUDE STRIKE CALL VOTED BY ABSOLUTE MAJORITY OF ALL (UNION AND NON-UNION) WORKERS IN THE ESTABLISHMENT VOTING IN SECRET.

3. COMMENT: PRELIMINARY READING OF THE LAW SUGGESTS THAT ITS DRAFTERS HAVE LITTLE PRACTICAL LABOR EXPERIENCE. FOR EXAMPLE, THE ONLY LIMIT PLACED ON UNIONS IN ANY GIVEN ESTABLISHMENT IS THAT A UNION MUST HAVE TEN PERCENT OF THE WORK FORCE. THUS, THEORETICALLY AT LEAST, THERE COULD BE UP TO TEN UNIONS IN ANY GIVEN WORK PLACE. ALSO, THE THRUST OF THE GOVERNMENT IN PREPARING THIS LEGISLATION SEEMS TO HAVE BEEN BASED IN PART ON A DESIRE TO CRIPPLE THE COMMUNISTS. YET, THE TEN PERCENT PROVISION, FOR EXAMPLE, MAKES IT EASY FOR THE COMMUNISTS TO ESTABLISH UNIONS IN VIRTUALLY ANY WORK PLACE. WE WILL BE FORWARDING A MORE DETAILED ANALYSIS AND A TEXT OF THE DECREE. FOR THE PRESENT, IT APPEARS TO BE A MISHMASH OF BOTH STRINGENT AND LAX PROVISIONS WHICH COULD BE USED BY THE GOVERNMENT TO BE VERY LENIENT OR VERY TOUGH. WE FRANKLY DO NOT KNOW WHAT THE BASIC INTENT OF THE GOVERNMENT IS IN THE LABOR FIELD, WHETHER IT WANTS TO CRIPPLE COMMUNIST LABOR, CRIPPLE ALL ORGANIZED LABOR OR DEMOCRATIZE TRADE UNIONS. AT FIRST GLANCE, THIS LAW SEEMS TO PERMIT AUTHORITIES TO MOVE IN ANY DIRECTION THEY WANT. ORTIZ

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